

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0851-0081  
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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 514162000120
<p>In re Application of: <u>Che-Kun James SHEN</u></p> <p>Application No.: <u>10/014,220</u></p> <p>Filed: <u>November 9, 2001</u></p> <p>For: <u>HS-40 ENHANCER-CONTAINING VECTOR IN TRANSGENIC ANIMALS</u></p>	
<p>The owner*, <u>Academia Sinica</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u>6,303,845</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"><li>expires for failure to pay a maintenance fee;</li><li>is held unenforceable;</li><li>is found invalid by a court of competent jurisdiction;</li><li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li><li>has all claims canceled by a reexamination certificate;</li><li>is reissued; or</li><li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li></ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>54,410</u></p> <p><u>Julia R. Rosenthal</u> _____ Signature</p> <p><u>January 19, 2005</u> Date</p> <p>_____ Julia R. Rosenthal Typed or printed name</p> <p>_____ (415) 268-7305 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/06 may be used for making this certification. See MPEP § 324.</p>	

sf-1841333

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NO. 987 P. 3

PTO/SB417 (12-04)

Approved for use through 7/31/2008. OMB 0951-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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Effective on 12/01/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 65.00
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**Complete If Known**

Application Number	10/014,220
Filing Date	November 9, 2001
First Named Inventor	Che-Kun James SHEN
Examiner Name	S. Kaushal
Art Unit	1636
Attorney Docket No.	514162000120

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account      Deposit Account Number: 03-1952      Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FFC CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

I. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

Fee Description	Fee (TL)	Cost (TL)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

### Multiple dependent claims

Multiple Dependent Claims			
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
14	0	25	0.00

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
1	0	100	0.00

### 3. APPLICATION SIZE FEE

**3. APPLICATION SIZE FEE**  
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).

For each additional 50 sheets of traction material, see 55 USC 1712(a)(3), \_\_\_\_\_

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	/50 _____	(round up to a whole number) x _____	_____	_____
				<u>Fee Paid (\$)</u>

**4. OTHER FEE(S)**

**OTHER FEE(S)**  
Non-English Specification, \$130 fee (no small entity discount)

Other: 2814 Statutory Disclaimer

65.00

## SUBMITTED BY

**Signature**

Name (Print/Type)

Julia R. Rosenthal

Registration No.  
(Attorney/Agent)

54.4101

**Telephone**

(415) 268-7305

Date \_\_\_\_\_

**January 19, 2005**

**sf-1854546**